

Dear Senator Wyden and respective Tax Working Groups,
I saw the call for public input for newly formed bipartisan tax reform working groups. I'm so happy to see that the Congress is willing to hear from expats on this issue! I am writing to you directly Senator Wyden because I am a constituent. While I currently live abroad, I moved from Portland, OR and still own a home there. I am registered to vote in Oregon and am a huge supporter of yours.

I live in Switzerland and as a US citizen have diligently filed taxes in both countries and understand the new FATCA requirements (with the help of a tax advisor in both countries). What makes my situation different is that I am also a Swiss citizen. I was born with dual citizenship. I grew up in the US, but have had a bank account in Switzerland since I was a teenager. You can imagine the documentation I have had to provide the IRS and now the Treasury Dept over so many years. It has progressively gotten more tedious and expensive as I have had to hire professionals, but I have always stood by my duty as a dual citizen. My father spent his entire career working for the US Federal Government in law enforcement and as a diplomat. We have always done the "right thing" and over reported through the years. I have had enough. Obviously nothing I did before Fatca even mattered. Currently, my Swiss tax report is sent to the IRS. I have zero financial privacy. When I moved to Switzerland, I was essentially told that there are very few places where I could open a bank account in Zurich, specifically because of my US citizenship. For the last several years, I have been penalized in the US for having Swiss citizenship and now I'm penalized in Switzerland for having US citizenship. While I have been amazed at the billions the IRS has recovered through efforts to prosecute tax evaders, I and millions of other middle class Americans living abroad are obviously NOT part of this group. The stereotype of the "Swiss Bank Account" has been dragged through the press and onto the floor in Congress. It is hard not to take personally, but all I can do is continue to file the mounds of paperwork being requested on both sides and show that I am not a tax evader.

Here is my plea: please consider changing the definition of a U.S. person in section 7701(a)(30) of the federal tax code. By changing the definition of a U.S. person for tax purposes in the code (e.g. if a U.S. person meets the bona fide residence test or physical presence test, they are no longer considered a U.S. person for federal income tax and reporting purposes). This is a change that should not need legislative action and would provide a lot of overseas Americans with tremendous relief. Please support a same-country exception when reporting "foreign" bank accounts under FATCA. Please also reconsider taxing foreign pension funds as income. I plan on retiring here and my hard-worked retirement fund should NOT be considered income by the US if it isn't in the country of residence. These changes would go a long way to alleviating stress brought on by excessive tax reporting in recent years and have a positive impact on the image of the US to those citizens living abroad. Thank you for your time and consideration.

Best,
Elisabeth Tomkinson